

REMARKS

Claims 56-87 are pending. Claims 1-55 have been canceled.

Claims 56-87 stand rejected under 35 U.S.C. § 102(a) as being anticipated by "A Method* For Fast IPv4 and IPv4 CIDR Address Translation and Filtering Using the MUSIC WidePort LANCAM®, LANCAM®, and LANCAM® 1st Family," dated January 1998 ("LANCAM"). Claims 56-87 also stand rejected under 35 U.S.C. § 102(a) as being anticipated by "Fast IPv4 and IPv4 CIDR Address Translation and Filtering Using the MUAC™ Routing Coprocessor (RCP)," dated January 1998 ("MUAC").

Applicants submitted an Inventor's Declaration of David Feldmeier under 37 C.F.R. § 1.132 on February 15, 2005, containing an unequivocal statement that (1) the subject matter of both LANCAM and MUAC relevant to the claims (Relevant Subject Matter) was derived from the Applicants, and (2) the Applicants actually invented the Relevant Subject Matter.

Applicants herewith submits an Inventor's Declaration of Tyler Arnold under 37 C.F.R. § 1.132 declaring that (1) the subject matter of both LANCAM and MUAC relevant to the claims (Relevant Subject Matter) was derived from the Applicants, and (2) the Applicants actually invented the Relevant Subject Matter.

Applicants respectfully submit that the Declarations by Mr. Feldmeier and Mr. Arnold under 37 CFR 1.132 are sufficient to overcome the rejections under § 102(a). MPEP 710.10 states "[a]n uncontradicted 'unequivocal statement' from the applicant regarding the subject matter disclosed in an article, patent, or published application will be accepted as establishing inventorship. *In re DeBaun*, 687 F.2d 459, 463 . . . (CCPA 1982)." In this case, both named Applicants and inventors have made a sworn declaration under 37 C.F.R. § 1.132, which is admissible factual evidence. The

declaration unequivocally states “that (1) the subject matter of the LANCAM Publication relevant to the claims (Relevant Subject Matter) was derived from the Applicants, (2) the subject matter of the MUAC Publication relevant to the claims (Relevant Subject Matter) was derived from the Applicants and (3) the Applicants actually invented the Relevant Subject Matter.” This declaration is not contradicted by any evidence.

Mr. Feldmeyer’s and Mr. Arnold’s declarations that they are co-authors of both LANCAM and MUAC are included as further evidence that Applicants actually invented the relevant subject matter. Because the Applicant’s invented the subject matter described in the published article, their unequivocal statements of inventorship are sufficient to overcome the rejections.

The Office Action mailed March 3, 2005, suggest at page 9 that “if the Affiant and Mr. Arnold are indeed the sole authors, that Mr. Arnold also submit a declaration to such facts mentioned above.” Subsequent Office Actions also made this request. However, Mr. Arnold could not be located until very recently. Although Applicants do not agree that a declaration by Mr. Arnold was necessary, Applicants have hereby submit Mr. Arnold’s declaration, as requested.

Applicants respectfully submit that the Declarations of Mr. Arnold and Mr. Feldmeier, establishes inventorship of the relevant subject matter of LANCAM and MUAC. Accordingly, neither LANCAM nor MUAC is prior art under 35 U.S.C. § 102(a). Therefore, the rejection of claims 56-87 under 35 U.S.C. § 102(a) should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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